

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DUKE ENERGY CORPORATION, )  
et al. )

Plaintiffs, )

v. )

Case No. 3:06cv240- H

UNITED STATES OF AMERICA, )

Defendant. )

**STIPULATION OF DISMISSAL**

IT IS STIPULATED AND AGREED by and between plaintiffs DUKE ENERGY CORPORATION, et al., by its undersigned counsel, and defendant UNITED STATES OF AMERICA, by its undersigned counsel, that Count I of this action be and is dismissed with prejudice, that Count II of this action be and is dismissed without prejudice, with the parties bearing their respective costs, including any possible attorney's fees or other expenses of this litigation.

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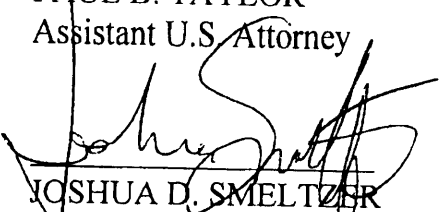
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Respectfully Submitted,

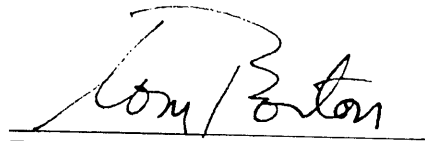
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